

# PCT

## INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY (Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference PCT2342JKrva	<b>FOR FURTHER ACTION</b>		See item 4 below
International application No. PCT/EP2005/010497	International filing date ( <i>day/month/year</i> ) 28 September 2005 (28.09.2005)	Priority date ( <i>day/month/year</i> ) 22 October 2004 (22.10.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant KABUSHIKI KAISHA SATO			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 6 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Box No. I    | Basis of the report   |
| <input checked="" type="checkbox"/> Box No. II   | Priority  |
| <input type="checkbox"/> Box No. III             | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/> Box No. IV              | Lack of unity of invention  |
| <input checked="" type="checkbox"/> Box No. V    | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI              | Certain documents cited   |
| <input type="checkbox"/> Box No. VII             | Certain defects in the international application  |
| <input checked="" type="checkbox"/> Box No. VIII | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

Date of issuance of this report  
24 April 2007 (24.04.2007)

Authorized officer

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REC'D 13 DEC 2005

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To:

see form PCT/ISA/220

WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY  
(PCT Rule 43bis.1)

Date of mailing  
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference  
see form PCT/ISA/220

**FOR FURTHER ACTION**  
See paragraph 2 below

International application No.  
PCT/EP2005/010497

International filing date (day/month/year)  
28.09.2005

Priority date (day/month/year)  
22.10.2004

International Patent Classification (IPC) or both national classification and IPC  
G06K19/077, G09F3/00

Applicant  
KABUSHIKI KAISHA SATO

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☒ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**Box No. I Basis of the opinion**

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1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
  - ☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ in written format
    - ☐ in computer readable form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in computer readable form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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**Box No. II Priority**

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1. ☐ The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43bis.1 and 64.1) is the claimed priority date.
2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:  
**see separate sheet**

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**Box No. V Reasoned statement under Rule 43b/s.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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1. Statement

Novelty (N)	Yes: Claims	4-10, 12-18, 20,21,24-27, 29, 34-41
	No: Claims	1-3, 11, 19, 22, 23, 26, 33
Inventive step (IS)	Yes: Claims	4-10, 12-15, 17,18, 27, 29, 34-41
	No: Claims	1-3,11, 16, 19, 20-26, 28, 30-33
Industrial applicability (IA)	Yes: Claims	1-41
	No: Claims	

2. Citations and explanations

**see separate sheet**

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**Box No. VIII Certain observations on the international application**

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The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

**Re Item II**

The application claims priority of a European First filing, filing number EP04077912.6, filed on 22.10.2004 at the European Patent Office. The text of the present application, however, is much broader than this original filing and hence for the added subject matter a different priority date is presumably valid. The applicant should take notice that this fact has been formally noticed at this point in time and that it could have its repercussions later on in any relevant examination procedure as to where the priority of possibly conflicting prior art becomes a matter of discussion.

**Re Item V.**

1. Reference is made to the following document:

D1 : DE 100 17 142 A1 (SCHREINER GMBH & CO KG) 11 October 2001 (2001-10-11)

**2. INDEPENDENT CLAIM 1**

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document D1 discloses (references in parentheses referring to D1):

A label (Etikett, Figure 4) comprising at least one pasting part (Grundschrift 1, Figure 4)) with an adhesive agent ("Die Grundschrift 1 ist an ihrer in der Darstellung der Fig. 1 untenliegende Seite weitgehend mit Klebstoff beschichtet", column 3, lines 56-58) for pasting the label (Etikett, Figure 4) to an object (Werkstück) and comprising a holding part (aufstellbaren Abschnitt 3) for holding an electronic device (Sende-und/oder Empfangseinrichtung 2), preferably (Article 6 PCT) for a radio frequency identification (RFID), wherein said pasting part (Grundschrift 1) being foldable with respect to the holding part (Abschnitt 3) to allow said holding part to protude from said object if said pasting part is pasted to said object (see columns 3-5).

Consequently, it seems crystal clear that there is not a single technical difference between the subject-matter of claim 1 and D1. Hence, claim 1 is considered to contravene Article 33(2) PCT.

**Article 6 PCT:**

The problem solved by the invention of claim 1 is that of improving the readability of non-contact labels applied to objects. Therefore, the fact that the electronic device has RFID like capabilities, is deemed essential to the definition of the invention. For that reason "preferably" should be removed from claim 1.

Analogous argumentation applies for claim 33.

**3. DEPENDENT CLAIMS 2, 3, 11, 16, 19-26, 28, 30-32**

Dependent claims 2, 3, 11, 16, 19-26, 28, 30-32 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step (Article 33(2) and (3) PCT). These features are either disclosed in D1, or they do not involve any inventive action.

4. The not-attacked dependent claims could be considered to be in compliance with Articles 33(2) and (3) PCT.

**Re Item VIII.**

In the appended annotated Annex, the applicant is provided with several objections on the lacking clarity and conciseness (Article 6 PCT) of the application in its present form. It is suggested that the applicant takes notice of said objections and uses them in any following examination procedure.